

Notice of Allowability

Application No.

10/764,581

Examiner

Jennifer Dunston

Applicant(s)

SAKANYAN ET AL.

Art Unit

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication(s) filed 6/21/2006.
2. ☒ The allowed claim(s) is/are 2-16 and 28-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 7/19/2006, Philip Dubois requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 25-0120 the required fee for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

2. (Currently amended) A method to increase RNA synthesis from a DNA template comprising:
 - a) providing a cell-free system comprising a bacterial cell-free extract;
 - b) adding a DNA template comprising a ~~strong~~-bacterial promoter with at least one UP element to said cell free system; and
 - c) recovering the said-synthesized RNA,

wherein the ratio of an α subunit of RNA polymerase to other subunits concentration in said cell-free system is increased as compared to the conventional ratio of two α , one β , one β' , and one σ .

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3. (Currently amended) The method according to Claim 2, wherein the ~~strong~~-bacterial promoter is an ~~includes a sequence from the~~ *argC* gene promoter of *Bacillus stearothermophilus*.

9. (Currently amended) A method to increase the production of a protein from a DNA template in a cell-free system comprising:

- a) providing in a reaction mixture, a bacterial cell-free system;
- b) adding to the reaction mixture the DNA template encoding a desired protein and a purified α subunit of a RNA-polymerase; and
- c) recovering the produced protein,

wherein the DNA template comprises a ~~strong~~-bacterial promoter with at least one UP element.

29. (Currently amended) The method according to Claim 3, wherein the promoter comprises a the sequence from nucleotide at position -89 to nucleotide at position +1 of the *argC* gene promoter of *Bacillus stearothermophilus*, when position +1 is the first nucleotide in mRNA of the *argC* gene.

30. (Currently amended) The method according to Claim 9, wherein the ~~strong~~-bacterial promoter with at least one UP element is from the *argC* gene of *Bacillus stearothermophilus*.

31. (Currently amended) The method according to Claim 30, wherein the ~~strong~~-bacterial promoter includes the sequence from nucleotide at position -89 to nucleotide at position +1 of

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the *argC* gene promoter of *Bacillus stearothermophilus*, when position +1 is the first nucleotide in mRNA of the *argC* gene.

37. (Currently amended) The method according to Claim 2, wherein said bacterial cell-free extract is from *E. coli* cells.

40. (Currently amended) A method for RNA or polypeptide synthesis from a DNA template comprising:

- a) providing a bacterial cell-free extract;
- b) adding a DNA template comprising a ~~strong~~ bacterial promoter with at least one UP element to said cell extract, and
- c) recovering the ~~said~~-synthesized RNA or polypeptide;

wherein the ratio of an α subunit of RNA polymerase to other subunits concentration in said cell-free extract ~~system~~ is increased as compared to the conventional ratio of two α , one β , one β' , and one σ , by adding in said bacterial cell free extract a purified α subunit of RNA polymerase prepared from cells overexpressing a gene encoding said α subunit of RNA polymerase.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

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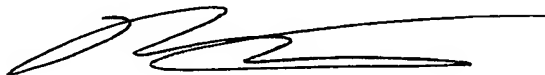
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on 571-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Dunston, Ph.D.
Examiner
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jad

CELINE QIAN, PH.D.
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Celine Qian', written over a horizontal line.